

SEP 15 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Howard Krietzman Examiner Allana Lewin  
Serial No. 10/813,333 Group Art Unit 3764  
Filed: March 29, 2004 Docket No. 75378.010800  
Title: MOVING STICK EXERCISE DEVICE

## CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to Examiner Allana Lewin, Art Unit 3764, Facsimile No. (571) 273-8300 on September 15, 2005.

*Shaula Coyl*  
Name: Shaula Coyl

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP: AMENDMENT  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This response is being submitted in reply to the Office Action mailed August 15, 2005, setting a one month period for response. This response is being timely filed within the shortened 30-day statutory period for response expiring on September 15, 2005, and accordingly no fee is due.

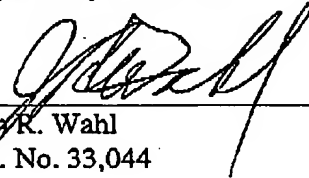
Applicant elects Group II comprising claims 8-20. Applicant further contends that claims 8 and 9 are generic and elects the resistance species shown in Figure 12; the stick configuration shown in Figures 1A and 1B; and a handle configuration as in Figures 8A and 8E. Claims 8, 9, 14, 16, 17, 18, 19 and 20 read on the resistance species shown in Figure 12 and Figures 1A and 1B. Claims 8, 9, 14, 16 and 18-20, read on the species shown in Figures 8A and 8E.

This response is believed to be responsive to all points in the office action. Accordingly, prompt examination of the application is earnestly solicited.

Docket Number 75378.010800

Authorization is hereby given to charge any additional fees or credit overpayment to Deposit Account No. 50-2638. Please reference Attorney Docket Number 75378.010800 when charging any payments or credits in connection with this application.

Respectfully submitted,



John R. Wahl  
Reg. No. 33,044

Date: September 15, 2005

Customer Number 33717  
GREENBERG TRAURIG, LLP  
2450 Colorado Avenue, Suite 400E  
Santa Monica, CA 90404  
Phone: (310) 586-6541  
Fax: (310) 586-0541  
E-mail: wahlj@gtlaw.com

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